



Testimony in Opposition to House Bill 4520, Legislation Addressing the Liability of Landlords and Tenants in Instances of Bedbug Infestations

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Representative Kesto, and members of the House Judiciary Committee, my name is Lysa Postula-Stein, JD, Staff Attorney with the Center for Civil Justice (CCJ). With expertise in law and public policy, CCJ monitors and improves Michigan's safety net programs so they remain accessible to the people they were designed to support.

CCJ has the following concerns with HB 4520, legislation intended to address the liability of landlords and tenants in the event of a bedbug infestation:

1. Conflict between federal and state law:

- The U.S. Housing Act of 1937 holds landlords liable for preventing and eliminating bedbug infestations in rental housing, while HB 4520 primarily places such liability with tenants.
- Landlords cannot be expected to analyze priorities between contradictory federal and state laws, nor can they be expected to understand the nuanced relationships between their compliance with federal housing laws and their eligibility to receive federal funding.
- When state and federal laws contradict each other, landlords (as well as tenants) can be confused as to which law is applicable in a given situation.

2. Ultimate imposition of liability:

- Once a building is infested, it is almost impossible to determine where bedbugs originated.
- Property law, as a general rule, imposes liability on property owners for maintaining the conditions of their property, which they control, not on tenants with limited authority over the conditions or maintenance of the property.
- HB 4520 would result in further confusion and conflict as to who is liable for prevention and extermination costs.

3. Violations of due process:

- It is almost impossible to determine the source of a bedbug infestation, so imposition of liability on a tenant could evolve into accusations of violation of that tenant's right to due process.
- Accusations of due process violations could also stem from a landlord's attempts to inspect a new tenant's property and dispose of allegedly infested belongings without the tenant's consent.

Thank you for your consideration of CCJ's views. Please do not hesitate to contact me with any questions or concerns: (800) 724-7441 / (810) 244-8044 or at lpotula-stein@ccj-mi.org